

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re :
DARCEL COPES, : Chapter 13
Debtor. : Bankruptcy No. 18-16563 (ELF)
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**THE CITY OF PHILADELPHIA'S
OBJECTION TO THE PROPOSED CHAPTER 13 PLAN**

TO THE HONORABLE ERIC L. FRANK:

AND NOW, comes the City of Philadelphia, (the "City"), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Deputy City Solicitor, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed Chapter 13 plan (the "Plan"), of the above-captioned debtor, (the "Debtor"). The City avers the following in support thereof:

1. On or about October 1, 2018, the Debtor filed a voluntary petition (the "Petition") for Chapter 13 bankruptcy with this Court.
2. A list of all real property owned by the Debtor was filed on October 25, 2018, which included the property located at 6136 Washington Avenue, Philadelphia, Pennsylvania (the "Subject Property"). A copy of the Debtor's Schedule A/B is attached hereto as **Exhibit A**.
3. The Subject Property is alleged by the Debtor to have a current value of Eighty Thousand Dollars (\$80,000.00). See Exhibit A.
4. On March 25, 2019, the City filed a claim in the amount of One Thousand Sixty-Seven Dollars and Eighty Cents (\$1,067.80) for real estate taxes on the Subject

Property (the “Secured Claim”). A copy of the proof of claim filed by the City is attached hereto as **Exhibit B**.

5. As neither the Debtor nor another party in interest has objected to the Secured Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On October 25, 2018, the Debtor filed the Plan, which provides a secured payment to the City in the amount of Nine Hundred Thirty-One Dollars and Sixteen Cents (\$931.16) and fails to provide for accurate post-petition interest to the Secured Claim. A copy of the Plan is attached hereto as **Exhibit C**.

7. The City is entitled to post-petition interest on the Secured Claim until the last payment under the Plan. See 11 U.S.C. § 506(b); See also U.S. v. Ron Pair Enters., 489 U.S. 235 (1989), In re Nixon, 404 Fed. Appx. 575, 578 (3d Cir. 2010), In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009), and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

8. The post-petition interest applicable to the real estate tax portion of the Secured Claim is the nine percent (9%) interest rate on real estate taxes assessed on the Subject Properties. See 11 U.S.C. § 511(a), Phil. Code § 19-1303, In re Bernbaum, 404 B.R. 39, 43 (Bankr. D. Mass. 2009), and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

9. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

10. The Plan should not be confirmed as it fails to provide post-petition interest on the Secured Claim and thus does not ensure that distributions under the plan are not less than the allowed amount of the Secured Claim. See 11 U.S.C. §§ 506(b),

1325(a)(5)(B)(ii), In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009) and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: April 2, 2019

By: /s/ Pamela Elchert Thurmond

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